

### **DETAILED ACTION**

1. This is in response to applicant's amendment wherein claims 1 and 19 have been amended. Therefore, claims 1-4, 7-10, 13, 19-21, and 26-29 are pending.

### ***Election/Restrictions***

2. Claims 1-4, 7-9, 19-21, 26, 27, and 29 are allowable. The restriction requirement between species, as set forth in the Office action mailed on April 16, 2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of a generic allowable claim. Claims 5, 6, 22, and 23 directed to a different species, are no longer withdrawn from consideration because each depends from a generic allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971 ). See also MPEP § 804.01.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with J. Scot Wickhem on February 11, 2011.

The application has been amended as follows:

a. Claim 1, lines 20-22, the limitation "and the interference fit structure are disposed therein; wherein at least one of the first and second portions comprises a non-continuous ring having a gap between a first region of the ring and a second region of the ring" has been changed to

--and the interference fit structure are disposed therein--.

b. Claim 10 has been cancelled.

c. Claim 13 has been cancelled.

d. Claim 19, lines 9-11, the limitation "the circumferential interference fit member including a non-continuous ring having a gap between a first portion of the ring and a second portion of the ring," has been deleted.

e. Claim 19, lines 16-19, the limitation "disposed in the lumen of the tubular member; and wherein the gap allows the first portion of the ring to be deflected toward the second portion of the ring when the circumferential interference fit member is disposed in the lumen of the tubular member" has been changed to

--disposed in the lumen of the tubular member--.

f. Claim 28 has been cancelled.

g. Claim 29, line 1, the limitation "claim 28" has been changed to --claim 1--.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA L. LALLI whose telephone number is (571)270-5056. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Mickey Yu/  
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Unit 3728